

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Implementation of the Commercial)	MB Docket No. 11-93
Advertisement Loudness Mitigation)	
(CALM) Act)	

Filed Electronically via ECFS - Attention: Chief, Media Bureau

STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION

1. By this pleading and the attached certificate, Northern Broadcasting Company, Inc. ("Licensee") certifies that Class A Television Station WNCE-CD, Facility ID 450, Glens Falls, New York, requires a one-year delay to achieve compliance with the requirements of the Commercial Advertisement Loudness Mitigation Act (the "CALM Act") and requests a waiver of the December 13, 2012 deadline for compliance.¹

2. Pursuant to the streamlined waiver process set forth in the Commission's December 13, 2011 *Report and Order* in this proceeding, Licensee requests waiver for WNCE-CD as "small broadcast station."² Under the procedures adopted in the *Order*, stations seeking a waiver

¹ Licensee asserts that Class A television stations are not at this time subject to CALM Act compliance requirements. This understanding is based on Footnote 17 of *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Rcd 17222 (2011) (the "*Order*"), which defines a subject "television broadcast station" as a station licensed under Subpart E of Part 73. Class A stations are licensed under Subpart J and thus do not come within the definition of "television broadcast station" in either the statute or the *Order*. Nevertheless, this waiver certification is filed by Licensee out of an abundance of caution, should the Commission interpret the CALM Act compliance requirements to apply to Class A television stations through a proper notice and rulemaking. The Licensee does not intend this filing to in any way concede that its Class A station is subject to the CALM Act.

² *Order* at 17253-54.

on this basis must certify to the Commission that they qualify as a "small broadcast station" and that they require a delay of one year to obtain specified equipment to avoid financial hardship.³

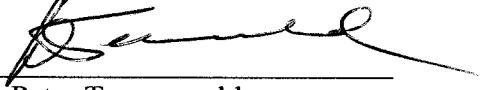
3. As set forth in the attached Certification of Jesse H. Jackson, President, Licensee certifies that WNCE-CD satisfies the definition of "small broadcast station" by virtue of having less than \$14 million in gross annual receipts. Mr. Jackson further certifies that, to avoid financial hardship, the Licensee requires a one-year delay to obtain certain the equipment necessary for WNCE-CD to comply with the CALM Act requirements.

4. Accordingly, Licensee respectfully requests a one-year waiver for WNCE-CD to comply with the CALM Act.

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Respectfully submitted:

By:


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FRN 0006-0537-71

December 12, 2012

³ *Id.*

CERTIFICATION OF JESSE H. JACKSON

Jesse H. Jackson hereby certifies as follows:

1. I am President of Northern Broadcasting Company, Inc.
2. Northern Broadcasting Company, Inc. is the licensee of Class A television station WNCE-CD, Glens Falls, New York.
3. During calendar year 2011, WNCE-CD had less than \$14 million in annual gross receipts. WNCE-CD's annual gross receipts for 2012 will also be less than \$14 million.
4. I estimate that to achieve CALM Act compliance for Station WNCE-CD will cost between \$4,000 and \$10,000 for encoders, software, and ancillary equipment. The station barely breaks even and does not have a revenue stream that can support such an investment at this time.
5. Accordingly, Northern Broadcasting Company, Inc. hereby requests a one-year waiver of the December 13, 2012, compliance deadline.

Jesse H. Jackson
Jesse H. Jackson

December 12, 2012